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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

February 9, 1994

By Hand Delivery

Mr. William F. Caton

Acting Secretary

Federal Communications Commission

Washington, D.C. 20554

OUR FILE NO.

0992-102-60

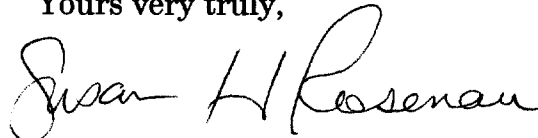
RE: MM Docket No. 93-42, Calistoga, California

Dear Mr. Caton:

On behalf of Moonbeam, Inc., an applicant (File No. BPH-911115MG) for a New FM Station on Channel 265A in Calistoga, California, please find the original and six copies of its Petition for Leave to Amend in the above-referenced proceeding.

Kindly communicate any questions directly to this office.

Yours very truly,



Susan H. Rosenau

Enclosures (6)

cc: Moonbeam, Inc.
Robert Zauner, Esquire
A. Wray Fitch, Esquire
Administrative Law Judge Edward Luton

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Before The
Federal Communications Commission
 Washington, D.C. 20554

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FEB 29 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Applications Of)	Docket No. MM 93-42
MOONBEAM, INC.)	File No. BPH-911115MG
GARY E. WILLSON)	File No. BPH-911115MO
For a Construction Permit for a)	
New FM Station on Channel)	
265A in Calistoga, California)	

To: The Honorable Edward Luton
 Administrative Law Judge

Petition for Leave to Amend

Moonbeam, Inc. ("Moonbeam"), by its attorneys and pursuant to Sections 73.3522 and 1.65 of the Commission's Rules, hereby petitions for leave to amend its pending application for a new FM Broadcast Station on Channel 265A at Calistoga, California. In support thereof, Moonbeam states as follows:

1. Moonbeam seeks to amend its application to report certain connections of Mary Constant's husband, Frederic W. Constant, with pending broadcast applications and/or stations. These include the following:

(a) Mr. Constant is presently employed as General Manager of KRSH(FM), Middletown, California.

(b) Idaho Broadcasting Consortium, Inc. ("IBC"), a corporation wholly-owned by Mr. Constant, is an applicant for a new FM station in Gooding, Idaho; and

(c) IBC is the proposed assignee of a construction permit in Sutter Creek, California, for which an application for FCC consent to assignment (FCC Form 314) and an application to extend construction permit (FCC Form 307) have been filed.

2. This amendment is submitted pursuant to Section 1.65 of the Commission's Rules which requires applicants to inform the Commission when the information "furnished in the pending application is no longer substantially accurate and complete . . . " 47 C.F.R. § 1.65(a). An applicant is responsible for the continuing accuracy of all information contained in its application.

3. The proposed amendment meets the test of *Erwin O'Connor Broadcasting Co.*, 22 FCC 2d 140 (Rev. Bd. 1970). The proffered amendment reports a broadcast station management position held by the spouse of Moonbeam's president, treasurer, sole shareholder and sole director, and the interest of said spouse in certain pending applications. The acceptance of the amendment will not cause the addition of parties or issues to the proceeding; will not prejudice any party nor newly confer a competitive advantage on the applicant. Neither will the amendment delay or disrupt the proceeding.¹ Thus, good cause exists for the acceptance of the tendered amendment.

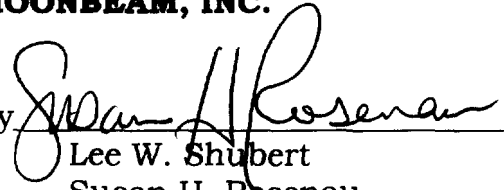
¹Several of the facts reported in this amendment are already the subject of a petition to reopen the record and enlarge issues against Moonbeam. Accordingly, in large part the amendment raises facts already before the Presiding Officer and known to the competing applicant. Further, as stated in the amendment, if the interests of Mr. Constant are determined to result in a diversification demerit against Moonbeam in this proceeding, the interests will be divested.

WHEREFORE, the premises considered, Moonbeam respectfully requests that its Petition for Leave to Amend be granted and that the attached amendment be accepted.

Respectfully submitted,

MOONBEAM, INC.

By

A handwritten signature in dark ink, appearing to read "Lee W. Shubert", is written over a horizontal line.

Lee W. Shubert
Susan H. Rosenau

HALEY, BADER & POTTS
Suite 900
4350 North Fairfax Drive
Arlington, VA 22203-1633
703/841-0606

Its Attorneys

February 9, 1994

AMENDMENT

Please amend the application of Moonbeam, Inc. (File No. BPH-911115MG) for authority to construct a new commercial FM broadcast station on Channel 265A at Calistoga, California in the following respects:

FCC Form 301, Section II, Question 12(b) (formerly Question 8(b))

Substitute the amended Section II, Question 12(b) (and Exhibit S-1) submitted herewith in lieu of the Section II, Question 12(b) previously submitted.

CERTIFICATION

I, Mary F. Constant, hereby certify the the statements contained in this amendment are true, complete and correct, to the best of my knowledge and belief, and are made in good faith. I also certify that no party to the application of Moonbeam, Inc. is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853a.

Signed and dated this 8th day of February, 1994.

MOONBEAM, INC.



Mary F. Constant

Section II - LEGAL QUALIFICATIONS (Page 4)

10. Does the applicant, or any party to the application, have a petition to migrate to the expanded band (1605-1705 (kHz)) or a permit or license either in the existing band or expanded band that is held in combination with the AM facility proposed to be modified herein?

☐ Yes ☐ No

If Yes, provide particulars as an Exhibit.

Exhibit No.

11. Does the applicant, any party to the application or any non-party equity owner in the applicant have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☐ Yes ☐ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☐ Yes ☐ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☐ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☐ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☐ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

12. (a) Are any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☐ Yes ☐ No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☒ Yes ☐ No

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.
S-1

13. State in an Exhibit any interest the applicant or any party to this application proposes to divest in the event of a grant of this application.

Exhibit No.

Moonbeam, Inc.
FCC Form 301
BPH-911115MG

Exhibit S-1
Section II, Q. 12(b)

Frederic W. Constant, husband of Moonbeam, Inc.'s president, treasurer, sole shareholder and sole director, is employed as General Manager of KRSH(FM), Middletown, California.

Mr. Constant is also the sole shareholder of Idaho Broadcasting Consortium, Inc. ("IBC"), which has pending two broadcast applications. These include an application for a new FM station in Gooding, Idaho (FCC File No. BPH-930920MC), and an application for consent to assignment of a construction permit for a new FM station in Sutter Creek, California (FCC File No. BAPH-931209GF). The assignor of the Sutter Creek permit has also applied for an extension of its construction permit (FCC File No. BPH-931220JB).

If it is determined that any one or more of the foregoing interests shall result in a diversification demerit against Moonbeam, the interest(s) will be divested.

CERTIFICATE OF SERVICE

The undersigned, an employee of Haley, Bader & Potts, hereby certifies that the foregoing Petition for Leave to Amend was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered*, to the following:

A. Wray Fitch, III, Esquire
Gammon & Grange
8280 Greensboro Drive
McLean, VA 22102-3807

Administrative Law Judge Edward Luton *
Federal Communications Commission
2000 L Street N.W.
Washington, D.C. 20554

Robert Zauner, Esquire*
Federal Communications Commission
Mass Media Bureau, Hearing Branch
Suite 7212
2025 M Street N.W.
Washington, D.C. 20554

Nancy E. Davis

February 9, 1994